IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 35951 of 2005(E)

PETITIONER:

SAJI. M.MATHEW, S/O. M.P. MATHEW,
AGED 34, MUTHILAKKATTIL HOUSE,
ARYANKAVU P.O.

BY ADV. SRI.S.SREEKUMAR
SRI.SEBASTIAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY (HOME DEPT.) GOVT.SECRETARIT, TRIVANDRUM.

2. KERALA POLICE HOUSING AND CONSTRUCTION CORPORATION LTD., CHANDRASEKHARAN NAIR STADIUM, PALAYAM, VIKAS BHAVAN P.O., TRIVANDRUM-695 033.

3. MANAGING DIRECTOR, KERALA POLICE HOUSING AND CONSTRUCTION CORPORATION LTD., CHANDRASEKHARAN NAIR STADIUM, PALAYAM, VIKAS BHAVAN P.O., TRIVANDRUM-695 033.

4. EXECUTIVE ENGINEER, KERALA POLICE HOUSING AND CONSTRUCTION CORPORATION LTD., CHANDRASEKHARAN NAIR STADIUM, PALAYAM, VIKAS BHAVAN P.O., TRIVANDRUM-695 033.

BY ADV. SRI.G.S.REGHUNATH -- R 2 TO R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 35951/2005 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER DT. 1/6/03 ISSUED BY THE R3.

EXT.P2. COPY OF THE LETTER ISSUED BY PETITIONER TO THE R2 DT. 10/6/05.

RESPONDENT'S EXHIBITS - NIL

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.35951 OF 2005-E

JUDGMENT

The petitioner is a contractor, who constructed a building for the 2nd respondent. Alleging that the Earnest Money Deposit has not been refunded, this writ petition was filed.

2. The learned counsel appearing for the respondents submitted that the E.M.D was not paid, as the petitioner failed to cure certain defects in the construction. Subsequently, he has cured the same and therefore, the E.M.D due to him was released on 30.6.2006. This submission is recorded and the writ petition is disposed of.

7th December, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/